

# Part 4

## Overview and Scrutiny Procedure Rules

### 1. NUMBER OF OVERVIEW AND SCRUTINY COMMITTEES

- (a) The Council will have one Overview and Scrutiny Committee, which will perform all overview and scrutiny functions on behalf of the Council. The Overview and Scrutiny Committee will consist of 12 Members of the Council.
- (b) The terms of reference of the Overview and Scrutiny Committee will be as set out at Article 6 of the Constitution.
- (c) In addition the Overview and Scrutiny Committee will:
  - i) receive reports from the Leader after each annual Council meeting on the Executive's priorities for the coming year and its performance in the previous year and if the Leader so chooses, on the state of the District;
  - ii) approve an annual overview and scrutiny work programme, including the programme of any formal sub-committees and informal task and finish working groups it appoints so as to ensure that the Committee and sub-committees' / working groups' time is effectively and efficiently utilised;
  - iii) put in place a system to ensure that referrals from overview and scrutiny to the Executive, either by way of report or for reconsideration, are managed efficiently and do not exceed the limits set out in this Constitution;
  - iv) in the event of reports to the Executive exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of Executive business or jeopardises the efficient running of Council business, at the request of the Executive, make decisions about the priority of referrals made; and
  - v) receive requests from the Executive and/or the Council for reports.
- (d) the Overview and Scrutiny Committee may appoint such formal sub-committees and informal task and finish groups as it considers to be necessary from time to time and for so long as considered necessary, subject to there being no more than four active sub-committees / groups at any one time and the same service officers not being involved in more than one active groups at any one time. The Committee may also amend the terms of reference of any sub-committees / group it has appointed as appropriate.
- (e) Informal task and finish groups are not formally constituted sub-committees and therefore do not have to comply with the need to give public notice under the Access to Information rules.

## **2. WHO MAY SIT ON THE OVERVIEW AND SCRUTINY COMMITTEES?**

All Councillors, except Members of the Executive, may be Members of the Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

## **3. WHO MAY SIT ON SUB-COMMITTEES / TASK AND FINISH GROUPS?**

- (a) All Councillors, except Members of the Executive, may be appointed as a Member of a sub-committee / task and finish group – Membership does not have to be drawn from the make up of the Overview and Scrutiny Committee. Membership is also open to non-members of the Council, and in particular, participation by youth and ethnic minority representatives should be encouraged. The exact external representation and political make up will be determined by the parent Committee when establishing the sub-committee / task and finish group.
- (b) Councillor membership of any sub-committee / task and finish group can be changed by the respective Group Leader without the need for reference back to the parent Overview and Scrutiny Committee, as and when the need arises.
- (c) Group Leaders are also able to appoint substitute members (from the same political group) when substantive members are unable to attend task and finish group meetings on an ad-hoc basis.

## **4. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE / SUB-COMMITTEES**

There shall normally be eight ordinary meetings of the Overview and Scrutiny Committee each civic year. In addition, extraordinary meetings may be called from time to time as and when appropriate by the Chairman of the Committee or on the requisition of not less than three Members of the Committee, delivered in writing to the Head of Paid Service. The summons to the extraordinary meeting shall set out the business to be considered thereat and no business other than that set therein shall be considered at that meeting.

## **5. QUORUM**

The quorum for the Overview and Scrutiny Committee and any sub-committees shall be as set out for Committees in the Council Procedure Rules in Part 4-1 of this Constitution.

## **6. CHAIRMAN**

The Chairman of the Overview and Scrutiny Committee and any sub-committees / task and finish groups will be drawn from among the Councillors sitting on the Committee / sub-committee / task and finish groups, and subject to this requirement may appoint such a person as it considers appropriate as Chairman.

The Chairman of the Overview and Scrutiny Committee may not be assigned as a Project Sponsor for any major capital project nor act as Chairman of any formal sub-committee or informal task and finish group in connection therewith.

## **7. WORK PROGRAMME**

The Overview and Scrutiny Committee will be responsible for setting its own work programme and in doing so it shall take into account the wishes of Members on the Committees who are not Members of the controlling political group on the Council. The Committee needs to recognise that the Work Programme should be flexible to accommodate any changes in priorities and circumstances which may emerge during the year.

Except for years in which ordinary elections take place, an informal annual Scrutiny Programming meeting will take place, after the Annual Council meeting but prior to the first scheduled meeting of the Scrutiny Committee. This allows the Committee to consider its priorities and work programme for the year in consultation with the Executive Directors and Service Managers in an informal meeting which is not open to the public. In an election year, this consultation will form part of the Members' Induction Day.

## **8. AGENDA ITEMS**

- (a) Any Member shall be entitled to give notice to the Head of Paid Service that he/she wishes an item relevant to the functions of the Overview and Scrutiny Committee or sub-committee to be included on the agenda for the next available meeting of the Committee or sub-committee. On receipt of such a request, which shall indicate whether or not the matter has been raised as a Councillor Call for Action in accordance with the provisions of section 119 of the Local Government and Public Involvement in Health Act 2007, the Head of Paid Service will include it on the next available agenda.
- (b) The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and the Executive to review particular areas of Council activity. Where it does so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the Overview and Scrutiny Committee within 6 weeks of receiving it.

## **9. WHO MAY SPEAK AT MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE / SUB-COMMITTEES / TASK AND FINISH GROUPS?**

- (a) Any Member of the Council (who is not a Member of the Overview and Scrutiny Committee / sub-committee / task and finish group) may speak at meetings of the Overview and Scrutiny Committee / Sub-Committee / task and finish group on an issue which alone affects the Ward which the Member represents on the Council.
- (b) Any other Member of the Council (who is not a Member of the Overview and Scrutiny Committee / sub-committee / task and finish group) may speak at meetings of the Overview and Scrutiny Committee / sub-committee / task and finish group only on invitation by the Chairman of the Committee.
- (c) Any other non-members of the Council appointed to any sub-committee / task and finish groups.
- (d) Any member of the public, stakeholders, staff side and Members and officers in other parts of the public sector invited to address the Overview and Scrutiny

Committee / sub-committees / task and finish group, but not engage with debate or decision making, as provided for at Rule 15 below.

#### **10. POLICY REVIEW AND DEVELOPMENT**

- (a) The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Executive for developments in so far as they relate to matters within its terms of reference.
- (c) The Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. It may go on approved site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. It may ask witnesses to attend to address the Committee on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so. All such actions shall be subject to the costs being met from within the approved revenue budget or any budget that may be specifically provided by the Council for the Committee.

#### **11. REPORTS FROM THE OVERVIEW AND SCRUTINY COMMITTEE**

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Head of Paid Service for decision by the Executive (if the proposals are consistent with the existing budget and policy framework), or via Cabinet for decision by the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If the Overview and Scrutiny Committee cannot agree on one single final report to the Council or Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- (c) The Council or Executive shall normally consider the report of the Overview and Scrutiny Committee within 6 weeks of it being submitted to the Head of Paid Service.

#### **12. MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE EXECUTIVE**

- (a) Once an overview and scrutiny report on any matter which is the responsibility of the Executive has been completed, it shall be included on the agenda of the next available meeting of the Executive, unless the matter which is the subject of the report is scheduled to be considered by the Executive within a period of 12 weeks from the date the report adopted by the Overview and Scrutiny Committee. In such cases, the report of the Overview and Scrutiny Committee shall be considered by the Executive when it considers that matter. If for any

reason the Executive does not consider the Overview and Scrutiny report within 12 weeks then the matter will be referred to the next meeting of Council for review and consideration and Council will make a recommendation to the Executive.

- (b) The Overview and Scrutiny Committee will in any event have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Executive's consultation process in relation to any key decision.

### **13. RIGHTS OF THE OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS**

- (a) In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

### **14. MEMBERS AND OFFICERS GIVING ACCOUNT**

- (a) The Overview and Scrutiny Committee or any sub-committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Executive, the Head of Paid Service, and/or Executive Directors, Service Managers or such other officers as may be determined by the Executive Directors to attend before it to explain in relation to matters within their remit:
  - i) any particular decision or series of decisions;
  - ii) the extent to which the actions taken implement Council policy; and/or
  - iii) their performance,

and it is the duty of those persons to attend if so required.

- (b) Where any Member of the Executive or officer is required to attend a meeting of the Overview and Scrutiny Committee under this provision, the Chairman of the Committee will inform the Head of Paid Service. The Head of Paid Service shall inform the Member of the Executive or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, the Overview and Scrutiny Committee shall in consultation with the Member or officer, arrange an alternative date for attendance.

## **15. ATTENDANCE BY OTHERS**

The Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders, Staff Side and Members and officers in other parts of the public sector and may invite such people to attend, provided that they should be under no obligation to do so.

## **16. CALL-IN**

- (a) When a decision is made by the Executive or a key decision is made by an officer with delegated authority from the Executive, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two working days of being made. The person responsible for publishing the decision will send all Members of the Council copies of the records of all such decisions within the same timescale.
- (b) That record of the decisions will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the Overview and Scrutiny Committee or any two non-Executive Members objects to it and calls it in.
- (c) During that period, the Head of Paid Service shall call-in a decision for scrutiny by the Committee if so requested by the Chairman or any two non-Executive Members, one of whom must have been present at the Cabinet meeting and shall then notify the decision-taker of the call-in. The request for the call-in must state the reasons for the call-in. The Head of Paid Service shall call a meeting of the Scrutiny Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, and in any case within five working days of the decision to call-in.
- (d) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Council. If referred to the decision maker they shall then reconsider within a further 10 working days, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting, or the expiry of that further five working day period, whichever is the earlier.
- (f) If the matter was referred to Council and the Council does not object to a decision which has been made, then no further action is necessary and the

decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole, a meeting will be convened to reconsider within 5 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council request.

- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

## **17. CALL-IN AND URGENCY**

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted, via the Overview and Scrutiny Committee, to Council with proposals for review if necessary.

## **18. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS**

- (a) The Overview and Scrutiny Committee shall consider the following business:
  - i) minutes of the last meeting;
  - ii) declarations of interest;
  - iii) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision;
  - iv) responses of the Executive to reports of the Overview and Scrutiny Committee;
  - v) consideration of any matter referred to it by the Executive; and
  - vi) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

- i) that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
  - iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.